

Message Text

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10

ACTION IO-13

INFO OCT-01 EUR-25 ADP-00 L-03 GAC-01 ACDA-19 CIAE-00

DODE-00 PM-09 INR-09 NSAE-00 NASA-04 NSC-10 OST-04

RSC-01 SCI-06 CCO-00 OTP-02 EB-11 FCC-03 OC-06

COME-00 AF-10 ARA-11 EA-11 NEA-10 PA-03 USIA-12

PRS-01 RSR-01 /186 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 7168

INFO AMEMBASSY OTTAWA

AMEMBASSY STOCKHOLM

AMEMBASSY MOSCOW

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E. O. 11652: N/A

TAGS: PFOR, UN, CA

SUBJECT: OUTER SPACE LEGAL: DIRECT BROADCAST
SATELLITES

1. NUMBER OF INTERESTING COMMENTS WERE MADE DURING
COURSE OF 23-24 MARCH OTTAWA CONFERENCE ON INTERNA-
TIONAL COMMUNICATIONS SPONSORED BY CANADA DEPT OF
COMMUNICATIONS (DOA), AMERICAN SOCIETY OF INTERNA-
TIONAL LAW AND CAN BRANCH OF INTERNATIONAL LAW ASSN.
RECOGNIZING THAT DBS TECHNOLOGY STILL SOME YEARS
AWAY BUT LDC CONCERN GROWING STRONGER, DOA DEPUTY
MIN GOTLIEB SUGGESTED DESIRABILITY OF NEGOTIATING A
PRECISELY STATED PRINCIPLE TO EFFECT THAT A STATE
WILL NOT INTENTIONALLY BROADCAST OR ALLOW TRANSMISSION
OF TELEVISION PROGRAMS FROM ITS TERRITORY INTO AN-
OTHER STATE WITHOUT THE AGREEMENT OR ACQUIESCENCE
OF THE LATTER.

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2. GOTLIEB ASSERTED CANADA WOULD WANT TO ENSURE INTE-
GRITY OF ITS INTERNAL ALLOCATION OF TELEVISION BROAD-

CASTING SERVICES AS AGAINST POSSIBLE NON- AGREED FROEIGN DBS SERVICES AS AGAINST TO HYPOTHETICAL CASE IN WHICH ACTIVE FOREIGN DBS SYSTEMS COULD POTENTIALLY DESTROY THE ECONOMIC VIABILITY OF CANADIAN ONE- CHANNNEL SMALL TOWN BROADCASTERS. WHEN ASKED AT LATER STAGE TO GIVE EXAMPLES OF US- CANADAIN CONSENT ARRANGEMENTS IN TELECOMMUNICATIONS FIELD, DOA OFFICIALS CITED 1972 FCC- COA AGREEMENT THAT NEITHER SIDE WOULD AUTHORIZE USE OF POINT- TO- POINT MOBIEL SERVICES FOR CROSS- BORDER OPERATIONS; THEY NOTED THIS HAD ARISEN LARGELY FROM US DESIRE TO LIMIT ACTIVITIES OF CANADAIN CITIZENS IN WINDSOR, ONTARIO AREA (AN ARRANGE- MENT NOT POPULAR IN CANADA, THEY SAID). ALSO NOTED WAS THE US- CANADIAN TELESAT AGREEMENT LAYING DOWN THE LIMITED CONDITIONS UNDER WHICH TELESAT MAY PROVIDE BROADCASTING SERVICES TO US AUDIENCES.

3. GOTLIEB SAID A PRINCIPAL FACTOR IN TRADITIONALLY EX- CELLENT US- CANADIAN BROADCASTING RELATIONS HAS BEEN MUTUAL RESTRAINT WITH NEITHER SIDE, E. G. AUTHORIZING CONSTRUC- TION OF TELEVISION STATIONS UP AGAINST THE BORDER AIMED AT AUDIENCES ON OPPOSITE SIDE. HE SAID HE HOPED CONSI- DERATIONS OF SELF- INTEREST AND MUTUALITY WOULD PROMPT WILLINGNESS ON THE PART OF THE US TO CONSIDER A SIMILAR INSTITUTIONALIZATION OF CONSENT ARRANGEMENTS WITH OTHER COUNTRIES IN THE DBS CONTEXT.

4. FORMER DEPUTY ASSISTANT SECRETARY BERT REIN SUGGESTED LDC CONCERNS MIGHT TO CERTAIN EXTENT BE ALLEVIATED IF BROADCASTING STATES WERE TO MAKE AN OFFER IN PRINCIPLE ALLOWING RECEIVING STATES OPPORTUNITY TO PROVIDE TELEVI- SION MATERIAL FOR DISSEMINATION TO THEIR PEOPLE BY TRANS- MITTING STATE. HE SAID SUCH AN OFFER WOULD BE CONSISTENT WITH US " FAIRNESS" DOCTRINES. IT WAS NOTED THAT SUCH AN OFFER WOULD ONLY PARTIALLY MEET CONCERNS DUE TO VARYING INABILITIES TO PRODUCE ATTENTION- COMPETITIVE PROGRAMS

5. SWEDISH UN AMB RYDBECK AND OFFICIALS OF DEPARTMENT OF EXTERNAL AFFAIRS PRIVATELY INDICATED CANADA AND SWEDEN ARE PREPARING A PAPER FOR JOINT SUBMISSION TO JUNE MEETING OF UN DIRECT BROADCAST SATELLITE WORKING GROUP, WHICH LIMITED OFFICIAL USE

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RYDBECK CHAIRS. APPARENTLY THEY WILL AGAIN HELPFULLY EMPHASIZE DESIRABILITY OF REGIONAL COORDINATION AND MAY RPT MAY PROPOSE SOME FORM OF MECHANISM FOR CONSULTATION BETWEEN TRANSMITTING AUTHORITY AND RECEIVING STATE IN CASES OF CONTROVERSY OVER PROGRAMMING.

6. MISOFF REVIEWED US POSITION AS STATED AT 2 7 TH GA,

NOTED DIFFERENCES BETWEEN MOTIVATIONS UNDERLYING USSR
TREATY PROPOSAL ON ONE HAND AND LDC CONCERNS ON THE OTHER,
AND IDENTIFIED DIFFICULTIES IN WAY OF ANY EARLY
RESOLUTION OF THESE PROBLEMS.
SCHAUFLE

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